

TOWN OF BEAR RIVER, WYOMING

ORDINANCE 2005-1

THE BEAR RIVER WATER DISTRIBUTION AND SUPPLY ORDINANCE; UPDATING AND AMENDING THE RULES AND REGULATIONS GOVERNING THE USE OF WATER FROM THE DISTRIBUTION SYSTEM OF THE TOWN.

WHEREAS, the existing rules and regulations governing the use of water within the Town are outdated and inadequate to insure the effective operation of the water distribution system; and

WHEREAS, the following revision and update of said water rules and regulations will increase the effectiveness of the water distribution system.

THEREFORE, BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF BEAR RIVER, WYOMING, THAT the following rules and regulations, entitled "WATER REGULATIONS 2005", are hereby adopted and approved for use and enforcement within the Town of Bear River, Wyoming.

"WATER REGULATIONS 2005"

INDEX

- Section 1. Water use permit required; penalty.
- Section 2. Application Procedure; Payment of fees.
- Section 3. Responsibility of owner to pay; Lien on property; Legal actions possible.
- Section 4. One residence per permit.
- Section 5. Payment for water.
- Section 6. Deposit required.
- Section 7. Revocation of permit.
- Section 8. Permit requirements for present users without water permit.
- Section 9. Requirements for installation of water service; One year Warranty; Curb stop required.
- Section 10. Back flow protection.
- Section 11. Inspection of water line installation required; Penalty.
- Section 12. Supplying water to other premises prohibited; Penalty
- Section 13. Water meters; Owned by Town; Duty of user to notify of non-working meter; Meter reading presumed correct; Independent test by user.
- Section 14. Monthly billings.
- Section 15. Payments to be made at Town Hall.
- Section 16. Delinquent accounts; Penalty.
- Section 17. Rates and fees to be set by Council by resolution as needed.
- Section 18. Town employee to be present; Unlawful acts; Work to be inspected.
- Section 19. Users to maintain own system; Liability of Town limited.
- Section 20. Hours of irrigation restricted; Method of notice; Penalty.
- Section 21. Restrictions during fires.
- Section 22. Irrigation purposes allowed

- Section 23. Right of Town employees to inspect for violations.
Section 24. User to repair or report damage to system; Penalty; Town may repair.
Section 25. Penalty for violation hereof; Continuing violation; Procedure.
Section 26. Change of Owner; New permit required; Penalty.
Section 27. Section Twenty Eight. Abandonment or sale of water use permit: Voluntary; Operation of Law; Release of Liability; Restrictions.
Section 28. Extension of Service outside of municipality; Authority of Town Council.
Section 29. Saving clause.

WATER REGULATIONS 2005

Section One. Water Use Permit Required; Penalty

It shall be unlawful for any person, persons, association, partnership or corporation to take water from the water distribution system of the Town of Bear River, Wyoming, without first having obtained a water use permit from said Town, to be procured as hereinafter set forth. Illegal use of water, shall be shut off at the expense of the violator, who may be prosecuted hereunder and shall be required to make payment for water illegally used.

Section Two. Application Procedure; Payment of Fees.

Application for a water use permit shall be made by the Owner, his agent or the lawful occupant of the premises to be served, in writing, on a form provided by the Town Clerk, and shall state the location and purpose for which the water will be used, the name and address of the owner of the premises and any other information as required by the Town Clerk. The applicant shall be required to sign the application and by so doing shall agree to be bound by all rules and Regulations herein after set forth, and certify that, if not the owner of the premises, he or she is authorized to represent and bind the owner as to compliance with the rules and regulations as set forth. The application shall be accompanied by a tapping charge and water meter use fee, in an amount to be determined by resolution of the Town Council. The Town Clerk shall not issue a water use permit until all necessary forms, charges and procedures are completed and paid in full, or acceptable arrangement made therefore.

Section Three. Responsibility of Owner to Pay; Lien on Property; Legal Actions Possible.

All water use permits shall be issued in the name, or with the written approval, of the owner of the premises and said owner shall be ultimately responsible for the payment of all water service charges, notwithstanding any other agreement between the owner and occupant thereof. All unpaid and delinquent water service charges and other fees or charges required by this ordinance that are unpaid, shall be and constitute a lien against the premises and the same may be collected by civil action against the owner or by foreclosure of the lien against the premises, or by criminal citation for violation of this ordinance. Any action may be instituted in the proper Court having jurisdiction in the matter.

Section Four. One Residence per Permit.

Only one residence shall be covered by a water use permit and served by the connection to the Town's water system, as authorized thereby.

Section Five. Payment for Water.

Upon proper application being completed, the Town Clerk shall issue a water use permit. The permit holder, from time of issuance onward, shall be responsible to pay for all water used, at the rates then in affect, or if no water is used, the monthly minimum billing amount.

Section Six. Deposit Required.

In the event that the person receiving the billing for water use on a premises is not the owner thereof, said party may be required to pay to the Town a security deposit in an amount determined by Town Resolution, which deposit shall be refunded after 12 consecutive payments have been made, and all fees and charges are paid in full. This in no way reduces or removes the responsibilities of the property owner as set out in Section 3 above.

Section Seven. Revocation of Permit.

Misrepresentation of the applicant, the use of water for purposes or premises not stated in the water use permit, the willful or negligent waste of water or the failure to make payment for water used, are violations of this ordinance and the water use permit issued may be revoked and the supply of water stopped until such time as the requirements of this ordinance are met, and also prosecution hereunder.

Section Eight. Permit Requirements for Present Users Without Water Use Permit.

The owner, agent or occupant of any premises now receiving water from the Town water system without a water use permit, shall not be required to make application for a permit, but such permit shall be issued by the Town Clerk based upon the existing water service.

Section Nine. Requirements for Installation of Water Service; One Year Warranty; Curb Stop Required.

The lateral water supply line, from the premises to be served to the connection with the Town water system, shall be done with town approved materials, in a good and workmanship like manner and shall be inspected and approved by a Town Official authorized to inspect water connections. No expense associated with installing a connection and lateral water line shall be bourn by the Town. The installer or owner shall warrant the connection and lateral, up to the curb stop, for a period of one year, after which the connection and lateral, up to and including the curb stop, will become the sole property of the Town.

In the event that a connection, lateral and curb stop are installed by a builder or developer and are not to be utilized until some later date when the property is sold or developed, then the one year warranty period shall not commence until water is actually supplied to the premises.

Every connection to the Town water system will include a curb stop, shut off valve, at the property line of the premises to be served. The curb stop shall be located on the Town's property or right of way and will be the property of the Town after the one year warranty period, as set out above.

Section Ten. Back Flow Protection.

All new connections to the Town's water system and all replacements of water service lines to existing connections shall contain a town approved back flow or back-siphon prevention device sufficient to prevent water from flowing into or in any way entering the Town's water mains from the water users premises and water service line. This back flow prevention device shall be installed between the curb stop valve and the first branch from the service line and immediately before or after the water meter.

Section Eleven. Inspection of Water Line Installation Required; Penalty.

It shall be the responsibility of the person installing any lateral water line, curb stop and connection with the Town water system, to arrange, at least one day in advance, to have said

installation inspected by a Town Official, in accordance with Town standards and codes. Failure to arrange for and have an inspection of any installation is a violation of this ordinance and may result in having the installation re-excavated at the expense of the installer and inspected, as well as prosecution under the terms hereof. In the event of an unauthorized or uninspected connection, the person so installing, including a hired plumber or contractor, or, the person who paid for or arranged for the connection, or both, may be prosecuted under this ordinance for a violation hereof.

Section Twelve. Supplying Water to Other Premises Prohibited; Penalty.

It shall be unlawful for any water use permit holder to knowingly allow water being supplied by virtue of said permit, to be piped or transported to another property or premises and thereby circumvent the need for a water use permit and connection for the unauthorized premises. In this type of violation, it shall be presumed that both the permit holder and the user of water on the unauthorized premises are aware of the violation and both shall be subject to prosecution hereunder.

Section Thirteen. Water Meters; Owned by Town; Duty of User to Notify of Non-working Meter; Meter Reading Presumed Correct; Independent Test by User.

In order to account for water usage, the Town is hereby authorized to install water meters upon such premises and at such locations as may, by a Town Official, be deemed advisable. Such meters shall be conveniently located at a point designated and approved by the Town, so as to control the entire supply to the consumer, and to be easily accessible for maintenance, repair, reading and shut off.

a) All water meters shall be supplied and installed by an employee of the Town and shall remain the property of the Town and be accessible to and subject to its control. Provided, however, that it shall be the water users responsibility and expense to pay the Town for the meter and any other equipment, such as back flow prevention devise, thermal meter pits, or other equipment required by the Town. After initial installation, the meter and other required equipment shall be deemed to be attached to the property and a fixture thereof. It is intended that the meter and other required equipment cost be a one time charge, paid at the time of connection to the Town water system, with the meter remaining in place upon the premises from thereafter. The owner or occupant of the premises does not own the meter and may not remove it upon vacating or sale of the property. Removal of the meter is a violation of this ordinance and punishable hereunder.

b) It shall be the duty of the consumer to notify the Town of any injury to or non-working of the meter, as soon as it comes to his/her knowledge. If the non-working of the meter is due to normal wear and tear or defect in the meter's construction, then it shall be replaced at the expense of the Town. If the meter has been damaged or harmed by the act or omission of the permit holder or premises occupant, then Town employees shall install a new meter and the expense therefore shall be added to the next billing of the permit holder. Knowing failure to inform the Town of the non-working of a meter is unlawful and punishable here under.

c) When water is furnished by meter, the quantity recorded by it shall be conclusive on both the consumer and the Town, except when the meter has been found to be registering inaccurately or has ceased to register. In the later case the quantity of water used may be determined by the average registration of the meter while it was in working order. Any citizen may request an independent test of the meter on his premises, but unless the meter is found to be inaccurate, said user will be responsible solely for the expense incurred therefore, and will not be entitled to any refund.

Section Fourteen. Monthly Billings.

Water use charges for water supplied shall be due and payable monthly, on or before the first of each month. The Town Clerk shall prepare and mail a monthly statement of the water use fee due from each water user. There shall be no discount allowed.

Section Fifteen. Payments to be Made at Town Hall.

All water use charges and other charges provided for in this ordinance shall be paid to the Town Clerk at his/her office at the Town Hall and/or via mail.

Section Sixteen. Delinquent Accounts; Penalty.

If the water user fails, refuses or neglects to pay the water use charges within 90 days of the date they become due and payable, said bill shall be deemed delinquent and may be collected by civil action or fine for violation of this ordinance in the Municipal Court, and the water supply may be immediately shut off. Before such water shall be turned on again, all delinquent water use fees for the premises must be paid and a fee in an amount to be determined by resolution of the Town Council be paid to cover the costs of the turning the water supply back on at the meter. Turning the water supply back on must be done by a Town employee.

Section Seventeen. Rates and Fees to be Set by Town Council By Resolution as Needed.

Water users shall be charged the rates hereinafter established by Resolution of the Town Council for water use and for any other fee, cost or charged created or associated with this ordinance. Rates presently in affect shall continue until changed by resolution.

Section Eighteen. Town Employee to Be Present; Unlawful Acts; Work to be Inspected.

Any and all hook-ups, tap-ins, turn-offs or any other action that deals with the water system of the Town, must be done either by, or in the presence of a Town employee, designated for such work. It shall be unlawful for any person, other than a Town employee, or someone authorized by the Town, to alter, interfere with, molest, vandalize, turn on, turn off or do any other thing to the water distribution system of the Town. All work done to or upon the water supply system of the Town must be inspected as per Section Twelve above.

Section Nineteen. Users to Maintain Own System; Liability of Town Limited.

All water users shall keep their own service pipes, faucets, valves and water using fixtures in good repair at all times and shall protect the same from freezing and frost and all at their own expense, and no claim shall be made against the Town for any damage that might result from the reasonable and necessary actions of Town employees as they fulfill their duties to inspect, read or repair the water supply system.

Section Twenty. Authority to Regulate or Restrict Irrigation; Method of Notice; Penalty.

Upon a finding of water shortage, due to drought or any other reason, the Town Council, as it deems necessary, may restrict the days and hours during which irrigation will be permitted. The finding of a water shortage and the resulting restrictions shall be made by Resolution of the Town Council. Notice of such restrictions shall be given by circulars, printed notices, publication, radio or any other means. This section may be enforced by the Town employees. Users in violation hereof will be given notice of the restrictions in force and warned once to desist. Any further violation will be punishable hereunder.

Section Twenty-One. Restrictions During Fires.

It shall be unlawful for any water user to use water for irrigation or other non-essential use, if requested to cease by the person responsible for fire fighting or fire prevention purposes, in the case of a fire which requires water use.

Section Twenty-Two. Irrigation Purposes Allowed.

Permission to use water for irrigation purposes shall include watering or sprinkling lawns and gardens upon the users premises and the washing of automobiles or other vehicles, but does not include any wasteful use of water.

Section Twenty-Three. Right of Town Employees to Inspect for Violations.

All authorized employees of the Town shall have free access at all reasonable times to enter the premises where water is being used, for the purpose of inspection and investigation as to whether or not the user is in compliance with the provisions of this ordinance. This includes specific authority to do random checks of water meters and readouts and any other thing relevant and reasonable to the enforcement of the provisions of this ordinance.

Section Twenty-Four. User to Repair or Report Damage to System; Penalty; Town May Repair.

It shall be the responsibility of all property owners to maintain and repair all water service lines and connections running from the Town's water mains up to their premises. Any leak or disruption of the water supply discovered by the user upon his/her premises shall be repaired by the user within twenty four hours or as soon as practicable. If the Town employees discover a leak or disruption in the water lines of a water user, they shall immediately notify the user and he/she shall then have twenty four hours to effectuate repair or the Town may make needed repairs and shall include the cost therefore in the next billing to the user. Failure to pay therefore shall be treated as a delinquent charge as in Sections 3 and 17 above. Any and all repair work, either within the streets of the Town or on private property, shall be done only after obtaining permission and inspection of the same from the Town.

Section Twenty Five. Penalty for Violation Hereof; Continuing Violation; Procedure.

Any person, persons, partnership, association or corporation violating any provision of this ordinance, shall upon conviction, be deemed guilty of a misdemeanor and fined in accordance with the Uniform Penalty Ordinance of the Town for each violation. Where the violation is a continuing one, each day of the continuance thereof shall be deemed a separate violation. An action to enforce compliance and to punish violations hereof, shall be brought before the Municipal Court and by the issuance of a citation or complaint against the violating party.

Section Twenty Six. Change of Owner; New permit Required; Penalty.

In the event of a change of ownership or occupancy of any property served by a water use permit, necessitating a change of name of the Town records as to the party to be billed and responsible for said service, a request for change of billing shall be submitted in writing to the Town Clerk within 5 working days.

Section Twenty Seven. Abandonment of water use permit: Voluntary; Operation of Law; Release of Liability; Restrictions.

Any person who abandons or is presumed to have abandoned a water permit, releases and forfeits any or all claims to or interest in said permit and if a water use permit is subsequently required for that person or premises, a new permit shall be issued at the then existing rates and

pursuant to the then existing rules, regulations and ordinances relating to water use.

The Town Clerk shall establish and maintain a record of all water user permits issued, purchaser, premises served, date, amount and any other relevant information, including information concerning abandonment of permits.

Section Twenty Eight. Extension of Service outside of municipality; Authority of Town Council.

The Town Council may, in its sole discretion, enter into agreements with water customers, whose property lies outside the corporate limits of the Town, to allow the extension of the water distribution system for the use of such customers, and to charge and collect water fees and charges as set forth herein.

The charge for a new connection or "hook-up" for a customer outside of the Town limits shall be in an amount to be determined by resolution of the Town Council.

Section Twenty Nine. Saving Clause

If any word, phrase, sentence, section or provision of this ordinance is found to be invalid or unenforceable, such invalidity shall not affect the other sections and provisions hereof.

PASSED AND APPROVED ON FIRST READING THIS THE 10th DAY OF MAY, 2005.

Robin Rhodes, Mayor

ATTEST:

Dawne Morphew, Clerk

PASSED AND APPROVED ON SECOND READING THIS THE 14th DAY OF JUNE, 2005.

Robin Rhodes, Mayor

ATTEST:

Dawne Morphew, Clerk

PASSED, APPROVED AND ADOPTED ON THIRD AND FINAL READING THIS THE 12th DAY OF JULY, 2005, AND BE IT THEREFORE ORDAINED TO BE IN FULL FORCE AND AFFECT.

Robin Rhodes, Mayor

ATTEST:

Dawne Morphew, Clerk

CERTIFICATE OF POSTING

I, **Dawne Morphew**, duly authorized Clerk of the Town of Bear River, Wyoming, do hereby certify that the above Ordinance 2005-1 was posted at the Bear River Town Hall from the ___th day of _____, 2005, through the ___th day of _____, 2005..

WITNESS MY HAND AND THE OFFICIAL SEAL OF THE TOWN OF BEAR RIVER, WYOMING.

Dawne Morphew, Clerk

(s e a l)